

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LA SHAWN PETTUS-BROWN,

Plaintiff,

vs.

**Case No.: 2:18-cv-82
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

ADULT PAROLE AUTHORITY, *et al.*,

Defendants.

ORDER

On April 2, 2019, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Defendants' Motion for Judgment on the Pleadings be granted and that Plaintiff's Complaint be dismissed without prejudice. (*See Report and Recommendation*, Doc. 62). It was also recommended that Plaintiff's Request for Judicial Notice of Adjudicative Facts be granted. The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (*See* Doc. 63). Defendants have also filed a Response. (Doc. 64). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In his objections, Plaintiff continues to argue that Ohio's Post-Release Control statute, Ohio Revised Code §2967.28, which he claims he has been subjected to, is unconstitutional. Despite Plaintiff's continued argument that he is not challenging his current sentence or his underlying conviction, he is essentially seeking to invalidate a portion of his sentence by challenging the aforementioned statute. And for this reason, the Magistrate Judge's findings are

correct that Plaintiff's claims in this case are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).

Therefore, for the reasons stated above and as set forth in detail in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, Document 62, is **ADOPTED** and **AFFIRMED**. Plaintiff's Request for Judicial Notice of Adjudicative Facts is **GRANTED**. Defendants' Motion for Judgment on the Pleadings is **GRANTED**. Plaintiff's Complaint is hereby **DISMISSED** without prejudice.

The Clerk shall remove Documents 40, 47, 62, and 63 from the Court's pending motions list. The Clerk shall terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT